Town of Southern Shores
Special Meeting
April 5, 2016

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 3:00 p.m. on Friday, April 5, 2016.

COUNCIL PRESENT: Mayor Bennett, Mayor Pro Tem Fred Newberry, Council Members Leo Holland, Chris Nason and Gary McDonald.

COUNCIL ABSENT: None

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE
Mayor Bennett called the meeting to order at 3:00 p.m., led the Pledge of Allegiance, and held a moment of silence.

The noticed purposes of the Special Meeting were addressed (In Bold below):

1. **RECEIPT AND REVIEW OF CITIZEN SURVEY RESULTS PRESENTED BY PLANNING CONSULTANT CODEWRIGHT PLANNERS AS A PART OF THE TOWN CODE UPDATE PROJECT.**

Code Wright Planning Consultant Chad Meadows gave a review of the citizen preference survey responses. He stated the survey was open for 45 days, December 18, 2015 through January 21, 2016. A total of 932 citizen responses were received. Of those 932 responses, 137 did not include an address - so the he has summarized a total of only 795 responses. The 137 non-address survey responses are however included in the raw data report which can be found on the Town's website. A total of 2,772 written comments were also received with the survey question responses.

[Clerk's Note: A copy of the Citizen Survey Summary is hereby attached as Exhibit A]

2. **GIVE DIRECTION TO THE CONSULTANT REGARDING MATTERS NOT CURRENTLY REGULATED IN THE TOWN CODE, BUT WHICH RECEIVED SUBSTANTIAL CITIZEN COMMENT IN THE SURVEY; SPECIFICALLY, GIVE DIRECTION TO THE CONSULTANT AS TO WHETHER TO INCLUDE THESE POTENTIAL REGULATORY MATTERS IN THE CONSULTANT'S ASSESSMENT OF THE TOWN CODE, WHICH WILL RESULT IN THESE MATTERS BEING INCLUDED IN THE**

CONSULTANT'S RECOMMENDED UPDATES TO THE TOWN CODE FOR LATER AND FINAL CONSIDERATION BY COUNCIL.

Code Wright Planning Consultant Chad Meadows stated a Public Forum was conducted on March 3, 2016 with approximately 50 citizens in attendance. The citizens were able to take a tour of the Town Code and discuss the survey results.

The Planning consultant is seeking direction from Council as to what, other than existing Code language, is to be included and further explored in the Code Assessment and what not to include. He stressed that the Code Assessment is not the draft of a rewritten or updated Town Code. That work would come later. He stated his requests for Council direction will begin with the results of Survey question #3 as the first two questions considered basic informational requests.

Survey question #3: Excess light or "light pollution" from exterior residential light fixtures. Direction requested of Council: Include or not include in Code Assessment?
By consensus of all Council Members: do not include this in the Code Assessment. (Consensus to not include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #4: Noise from private homes or vacation rentals. Direction requested of Council: Include or not include in Code Assessment?
MOTION: Council Member McDonald moved to include noise from private homes or vacation rentals to be further explored in the Code Assessment. The motion was seconded by Council Member Nason. The motion passed unanimously (5-0).

Survey question #5: Home size. Direction requested of Council: Include or not include in Code Assessment?
By consensus of all Council Members: do not include in the Code Assessment. (Consensus to not include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #6: Maximum number of occupants in new homes. Direction requested of Council: Include or not include in Code Assessment?
By consensus of all Council Members do not include in the Code Assessment. (Consensus to not include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #7: Stormwater runoff from private property that flows into streets. . Direction requested of Council: Include or not include in Code Assessment?
By consensus all Council Members: include Stormwater runoff from private property that flows into streets to be further explored in the Code Assessment. (Consensus to include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #8: Stormwater runoff that flows between private yards from one property to another. Direction requested of Council: Include or not include in Code Assessment?
By consensus all Council Members: include stormwater runoff that flows between private yards from one property to another to be further explored in the Code Assessment. (Consensus to include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #9: Tree removal as part of construction on private property. Direction requested of Council: Include or not include in Code Assessment? MOTION: Council Member McDonald moved to include tree removal as part of construction on private property to be further explored in the Code Assessment. The motion was seconded by Mayor Pro Tem Newberry. The motion passed 3-2 with Mayor Pro Tem Newberry, Council Member McDonald and Council Member Nason voting YES; Mayor Bennett and Council Member Holland voting NO.

Survey question #10: Deer Overpopulation. Direction requested of Council: Include or not include in Code Assessment?
By consensus of all Council Members: do not include in the Code Assessment. (Consensus to not include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #11: Remove obstacles to better cellular phone coverage. Direction requested of Council: Include or not include in Code Assessment? By consensus of all Council Members: do not include in the Code Assessment. (Consensus to not include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #12: New nuisance requirements to promote better upkeep and maintenance of existing homes where private covenants do not exist. Direction requested of Council: Include or not include in Code Assessment? MOTION: Council Member Holland moved to include new nuisance requirements to promote better upkeep and maintenance of existing homes where private covenants do not exist to be further explored in the code assessment. The motion was seconded by Council Member Nason. The motion did not pass (2-3) with Council Member Holland and Council Member Nason voting Yes; Mayor Bennett, Mayor Pro Tem Newberry and Council Member McDonald voting NO.

Survey question #13: Design standards for new or updated commercial development. Direction requested of Council: Include or not include in Code Assessment?
MOTION: Council Member Nason moved to include design standards for new or updated commercial to be further explored in the code assessment. The motion was seconded by Council Member McDonald. The motion passed (3-2) with Mayor Pro Tem Newberry, Council Member Nason and Council Member McDonald voting YES; Mayor Bennett and Council Member Holland voting NO.

Survey question #14: Increase allowable residential building height. Direction requested of Council: Include or not include in Code Assessment? MOTION: Council Member Nason moved to explore, in the Code Assessment, not increasing the allowable height but rather explore the method of how allowable height is measured. The motion was seconded by Council Member Holland. The motion passed (3-2) with Mayor Bennett, Council Member Nason and Council Member Holland voting YES; Mayor Pro Tem Newberry and Council Member McDonald Voting NO.

Survey question #15: Increase maximum allowable lot coverage for single-family homes. Direction requested of Council: Include or not include in Code Assessment?

MOTION: Council Member Holland moved to explore, in the Code Assessment, how lot coverage is measured, but not necessarily to increase the maximum allowable amount of lot coverage. The motion was seconded by Council Member Nason. The motion passed (3-2) with Mayor Bennett, Council Member Holland and Council Member Nason voting YES; Mayor Pro Tem Newberry and Council Member McDonald voting NO.

Survey question #16: Preservation of Flat Top homes. Direction requested of Council: Include or not include in Code Assessment?
By consensus of all Council Members: do not include in the Code Assessment. (Consensus to not include: Bennett, Newberry, McDonald, Holland, Nason.)

Survey question #17: Remove obstacles to moving homes away from the advancing high tide line on deeper oceanfront lots to be further explored in the code assessment.
By consensus of all Council Members: include remove obstacles to moving homes away from the advancing high tide line on deeper oceanfront lots to be further explored in the code assessment. (Consensus to include: Bennett, Newberry, McDonald, Holland, Nason.)

The Planning Consultant also stated that Town operational policies do not belong in the Town Code of Ordinances, and any such policies currently remaining in the Town Code will be recommended to be removed to a separate policy document.

The Planning Consultant also stated additional issues were brought up by the written survey results and public forum in which Council, by consensus, directed the Planning consultant to include them in the Code Assessment. (Consensus to include: Bennett, Newberry, McDonald, Holland, Nason.) These additional matters to be included in the Code Assessment are: (1) parking at vacation rentals and (2) waste receptacle placement.
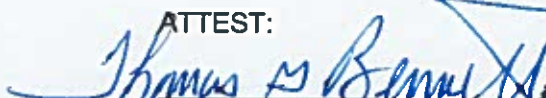
The Planning Consultant stated the next steps are as follows:
 – Provide staff a draft Code Assessment in July.
 – Provide staff a second draft Code Assessment based on revisions by staff comments in early August.
 – Conduct a second public forum in late August.
 – Present Code Assessment to Council in early September

ADJOURN
MOTION: Council Member Holland moved to adjourn. The motion was seconded by Council Member McDonald. The motion passed unanimously (5-0). The time was 4:20 p.m.

ATTEST:

Thomas G. Bennett, Mayor

SOUTHERN
TOWN OF
SEAL
SHORES
NC

Respectfully submitted,

Sheila Kane, Town Clerk

EXHIBIT A

TOWN CODE UPDATE

Citizen Survey Summary
Presentation to Town Council

April 5, 2016

OVERVIEW

1. Schedule adjustment

2. Input on the Code Assessment

3. Review of Citizen Preference Survey Responses

4. Discussion

5. Next Steps

SCHEDULE ADJUSTMENT

- Scope includes 2 public forums
  (Task 2 & Task 3)

- Survey required a public forum
  Forum intended for Code Assessment

- Task 3 forum now projected to be used for Code Assessment

- Public hearing process provides ample opportunity for public comment on code

CODE ASSESSMENT PUBLIC INVOLVEMENT

- Review & comment during public forum

- Changes to Code Assessment text not anticipated

- Public comments presented to Council during overview

- Approved Code Assessment recommendations lead to draft code language

CITIZEN PREFERENCE SURVEY

- Requested in the RFP

- Opportunity to inform the public about the project

- Better understand public opinion on code-related topics

CITIZEN PREFERENCE SURVEY

- Online survey

- Open 12-18-15 to 1-21-16 (45 days)

- 932 total responses
  - 137 did not include street address
  - Report summarizes 795 responses

- 2,772 written comments received

- Raw data available online

PUBLIC FORUM

- Conducted 3-7-16
- Approximately 50 attendees
- Tour of the Town Code
- Discussion of Survey Results

APPROACH TO SURVEY REVIEW

1. Discuss each question

2. Discuss public input received

3. Council vote on inclusion in Code Assessment

Question 1: Please click all that apply:

- I live in Southern Shores.
- I am a property owner in Southern Shores.
- I do not live or own property in Southern Shores.
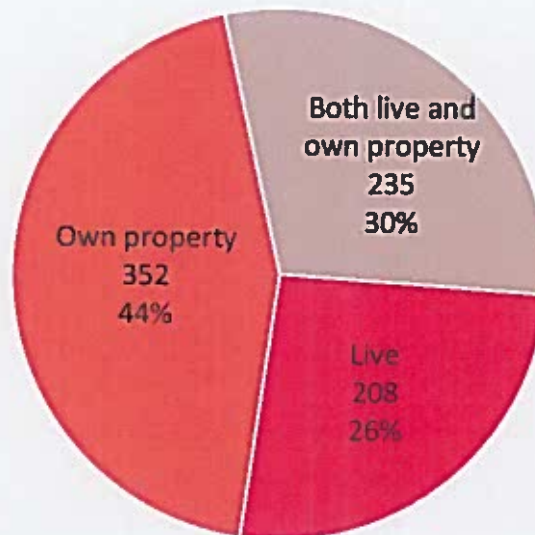
795 total responses

30% of respondents both live and own property in Southern Shores.

26% of respondents live in Southern Shores.

44% of respondents own property in Southern Shores.

Question 2: Please enter the street address of your residence or property here.*

- Owner
- Co-owner
- Tenant
- Co-Tenant
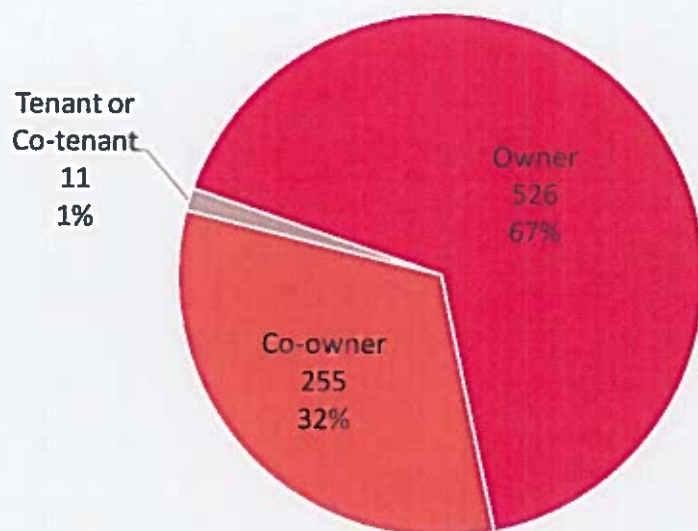
792 total responses

99% of respondents own or co-own property in Southern Shores

1% of respondents are tenants or co-tenants in Southern Shores

Question 3: The Town Code should increase its regulation of excess light or "light pollution" from exterior residential light fixtures.
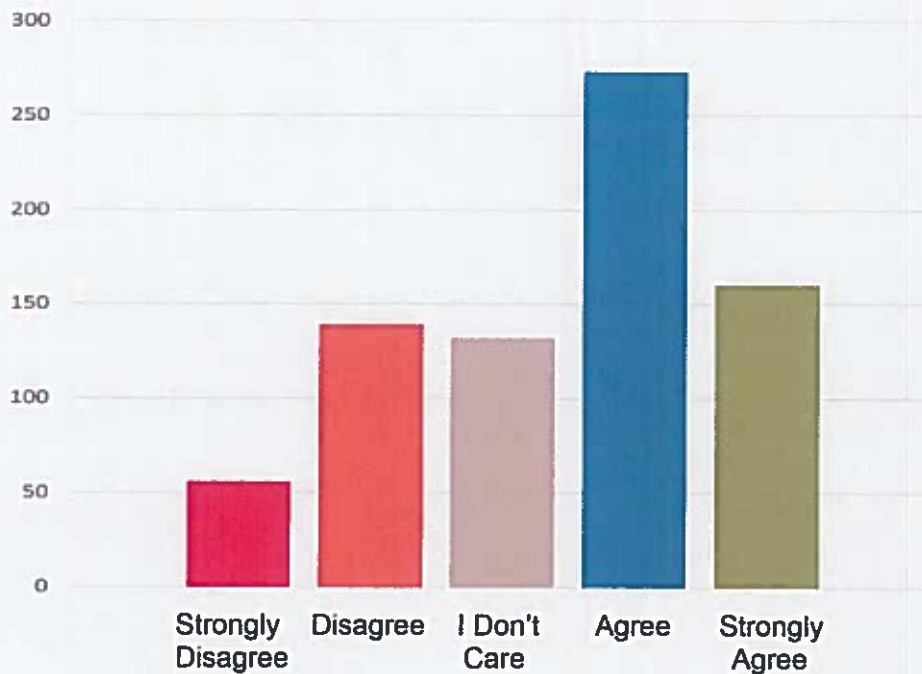
26%
of respondents disagree or
strongly disagree

57%
of respondents agree or
strongly agree

760 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 4: The Town Code should increase its regulation of noise from private homes or vacation rentals.

| | Strongly Disagree | Disagree | I Don't Care | Agree | Strongly Agree |
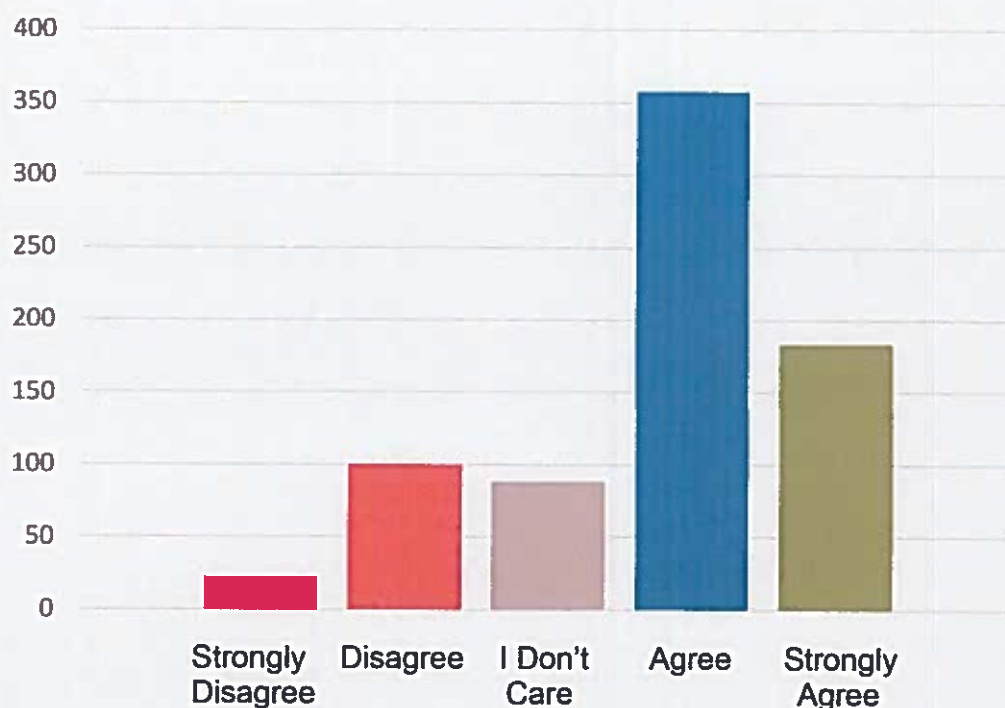
16%
of respondents disagree or
strongly disagree

751 total responses

72%
of respondents agree or
strongly agree

GUIDANCE

Should the Code Assessment include this issue or not?

Question 5: The Town Code should regulate the size of new homes to prevent new residential structures that are drastically larger than their neighbors' homes.

12%
of respondents disagree or strongly disagree
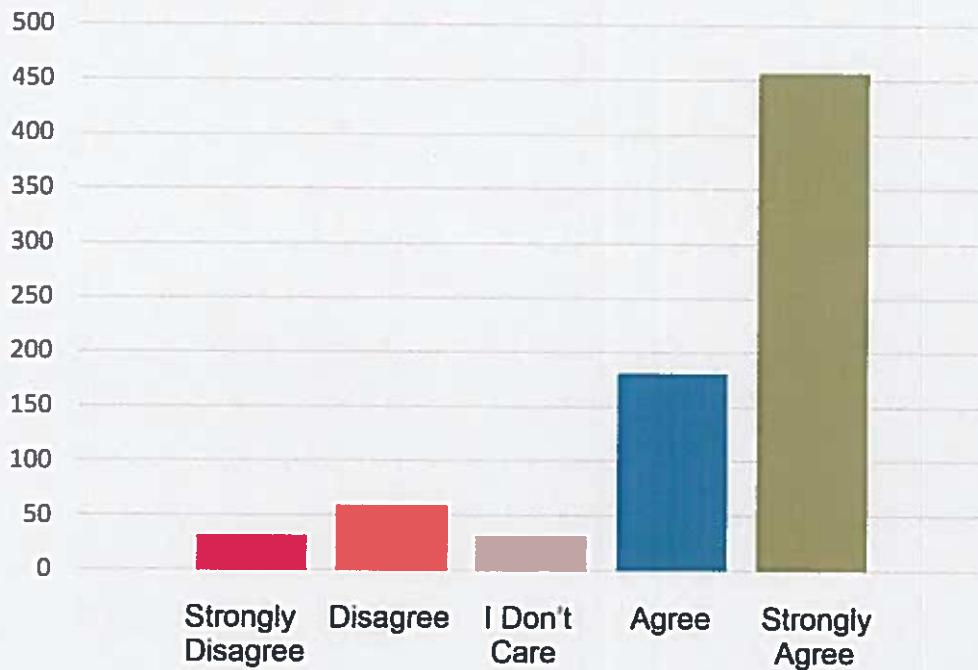
84%
of respondents agree or strongly agree

759 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 6: The Town Code should reduce the potential maximum number of occupants in proposed new homes.
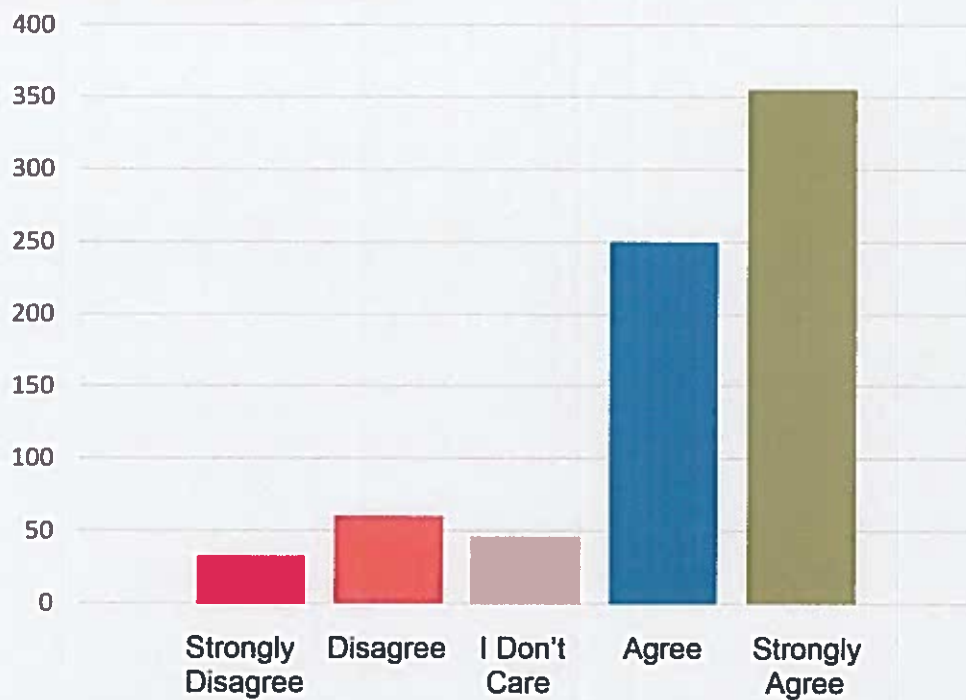
12%
of respondents disagree or strongly disagree

81%
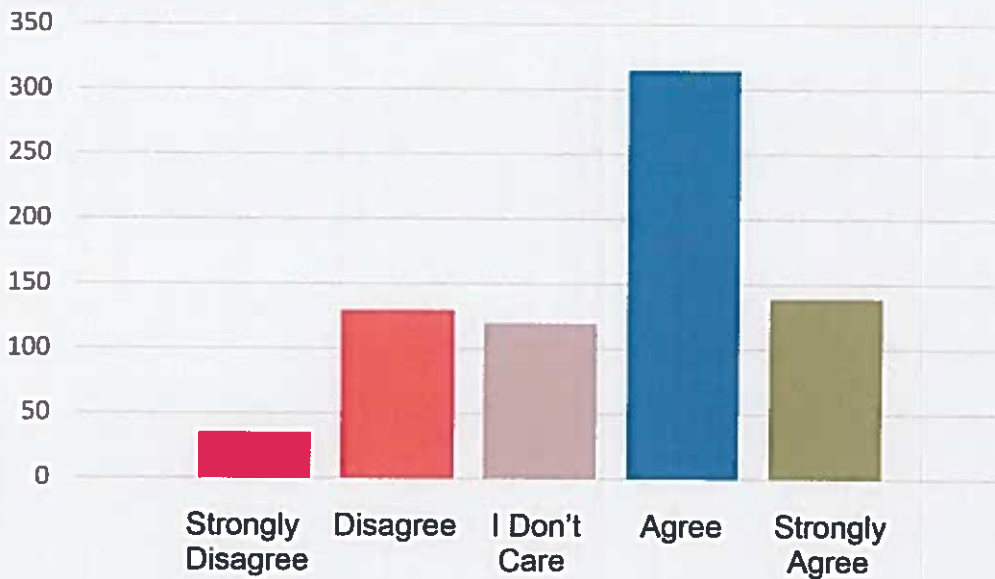of respondents agree or strongly agree

744 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 7: The Town Code should increase its regulation of stormwater runoff from private property that flows into streets.

22%
of respondents disagree or strongly disagree

62%
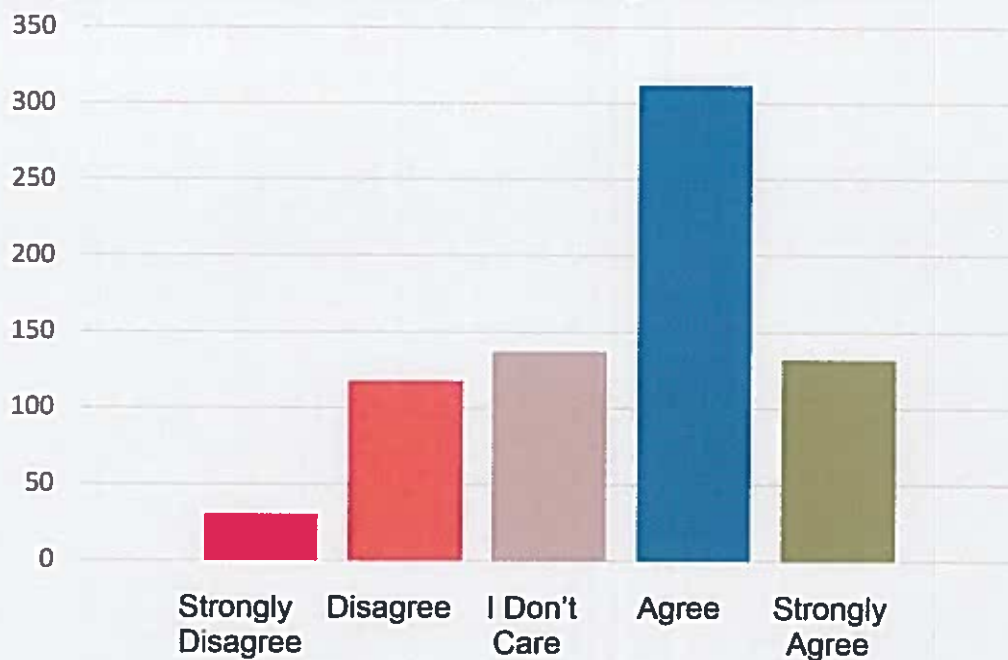of respondents agree or strongly agree

737 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 8: The Town Code should increase its regulation of stormwater runoff that flows between private yards from one property to another.

20%
of respondents disagree or strongly disagree
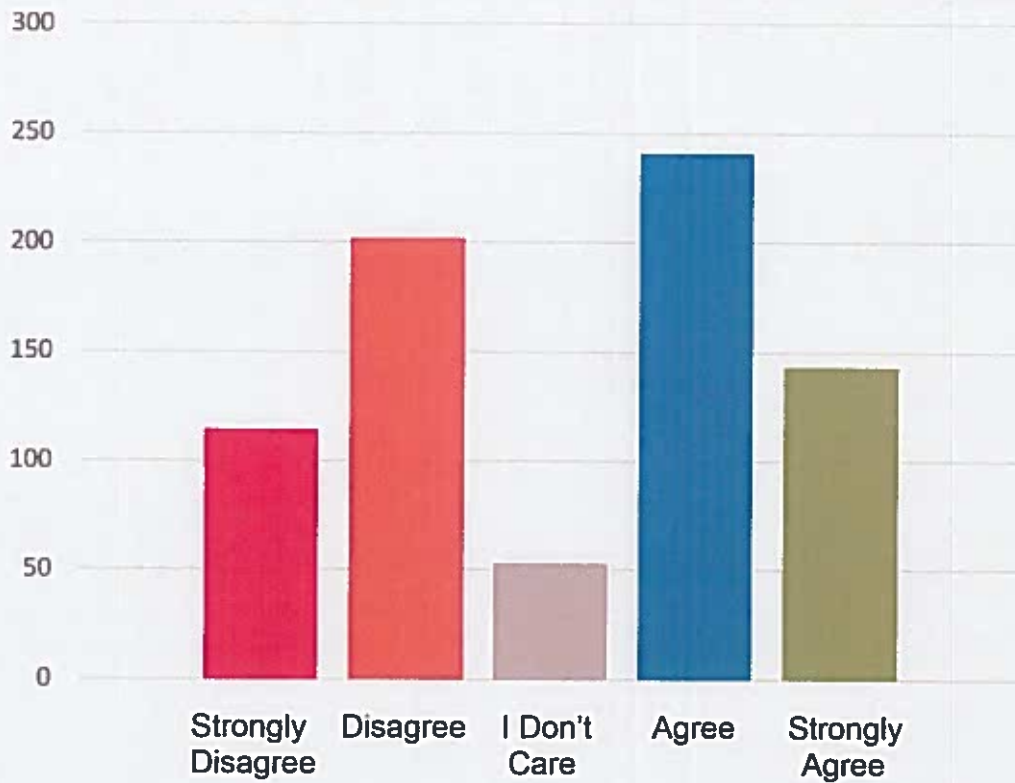
61%
of respondents agree or strongly agree

728 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 9: The Town Code should regulate tree removal as part of construction on private property.

42%
of respondents disagree or strongly disagree
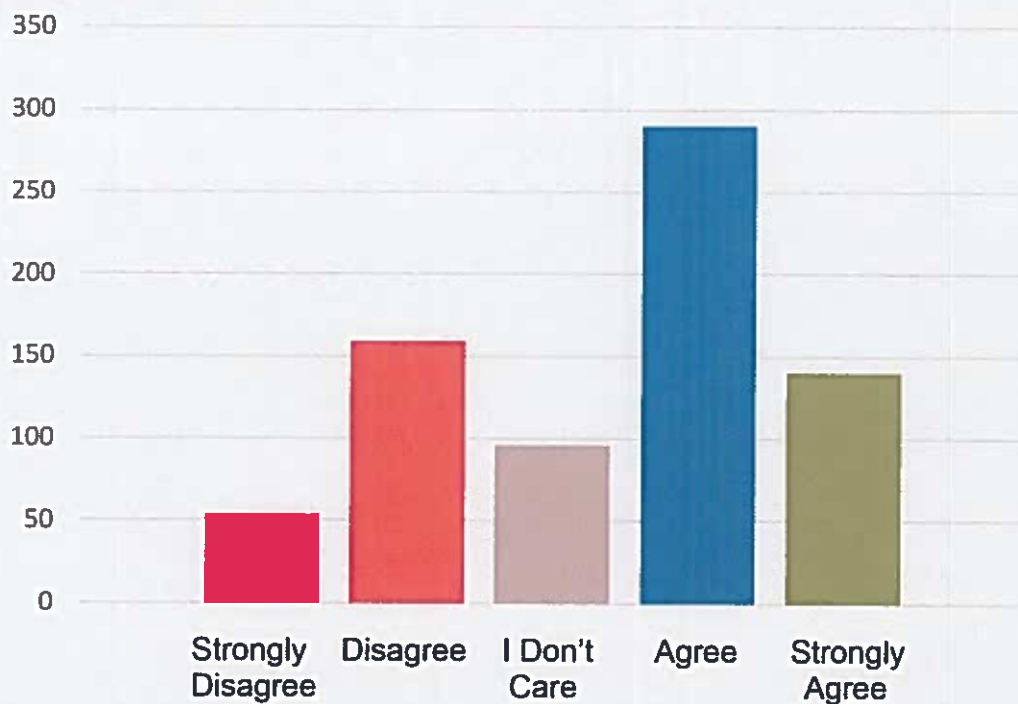
51%
of respondents agree or strongly agree

753 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 10: The Town Code should regulate, or have regulations intended to address, deer overpopulation.

29%
of respondents disagree or strongly disagree

58%
of respondents agree or strongly agree

738 total responses
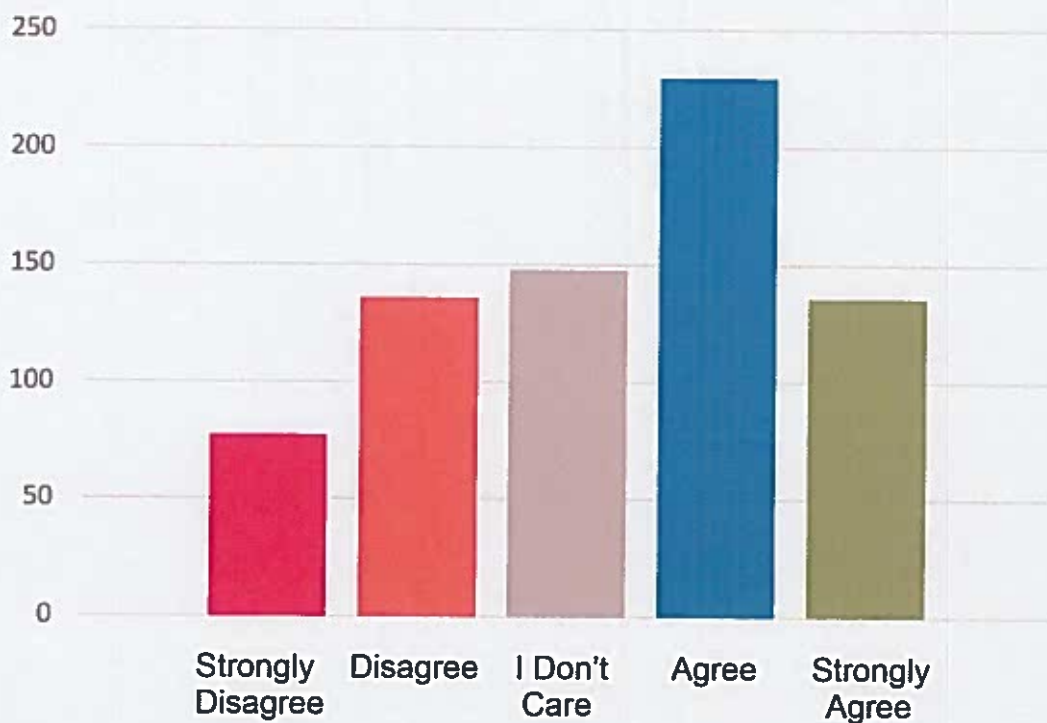
GUIDANCE

Should the Code Assessment include this issue or not?

Question 11: The Town Code should remove obstacles to better cellular phone coverage within the Town.

29%
of respondents disagree or strongly disagree

50%
of respondents agree or strongly agree
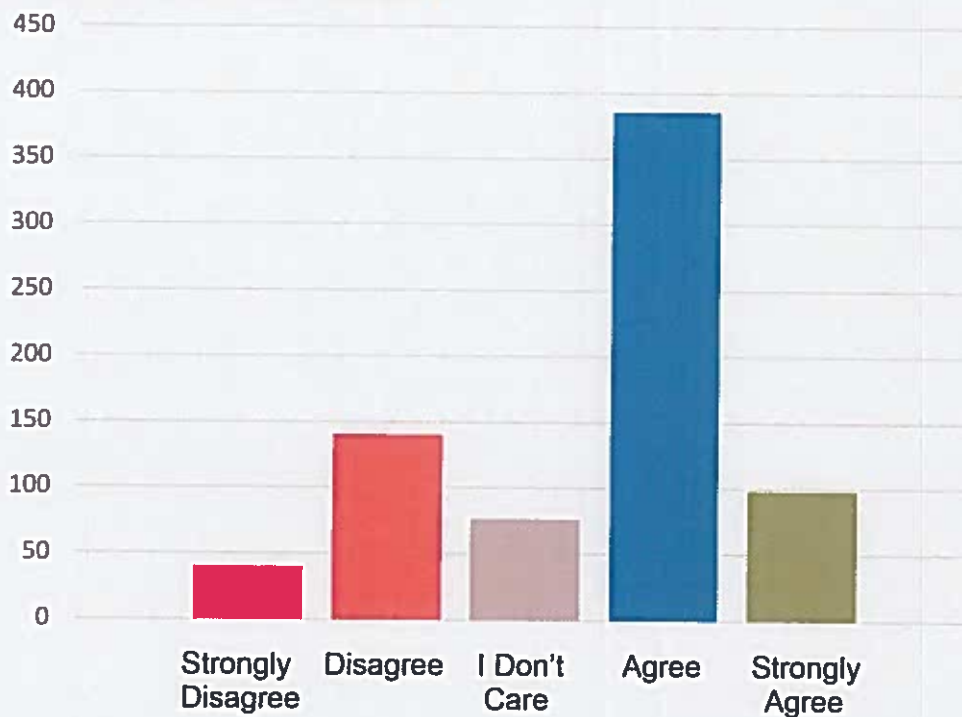
727 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 12: The Town Code should include new nuisance requirements to promote better upkeep and maintenance of existing homes where private covenants do not exist.

24%
of respondents disagree or strongly disagree

65%
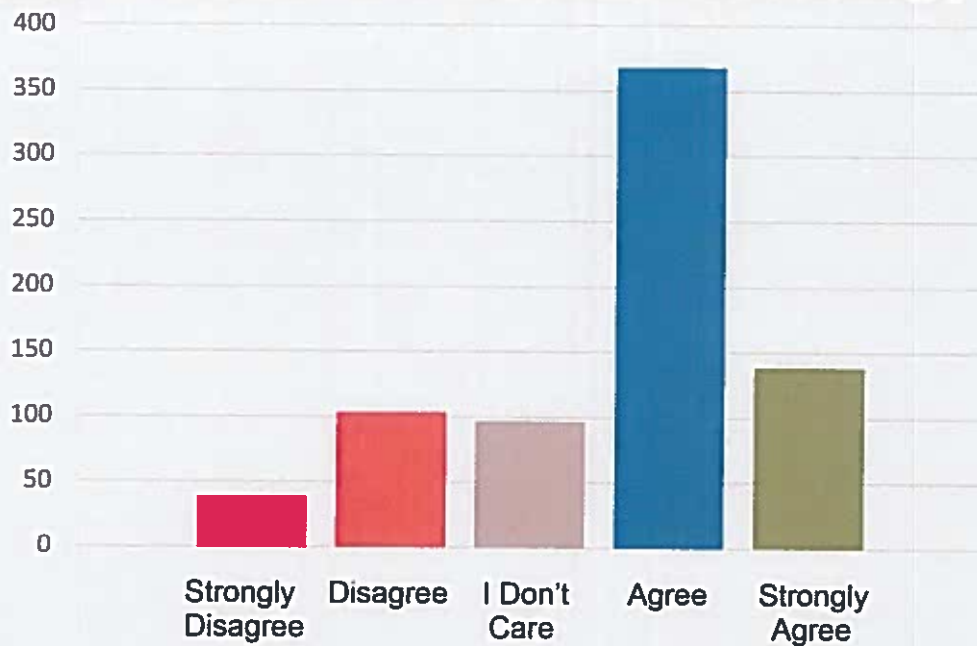of respondents agree or strongly agree

740 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 13: The Town Code should regulate design standards for new or updated commercial development (example: requiring a particular aesthetic, such as pitched roofs or preferred building materials on a commercial building.)

19%
of respondents disagree or strongly disagree

68%
of respondents agree or strongly agree

746 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 14: The Town Code should increase the allowable residential building height.

77%
of respondents disagree or
strongly disagree

16%
of respondents agree or strongly
agree

748 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 15: The Town Code should increase the maximum allowable amount of lot coverage for single-family homes (how much of a piece of property may be covered by buildings or other structures like swimming pools, garages, and driveways).

62%
of respondents disagree or strongly disagree

30%
of respondents agree or strongly agree

749 total responses

GUIDANCE

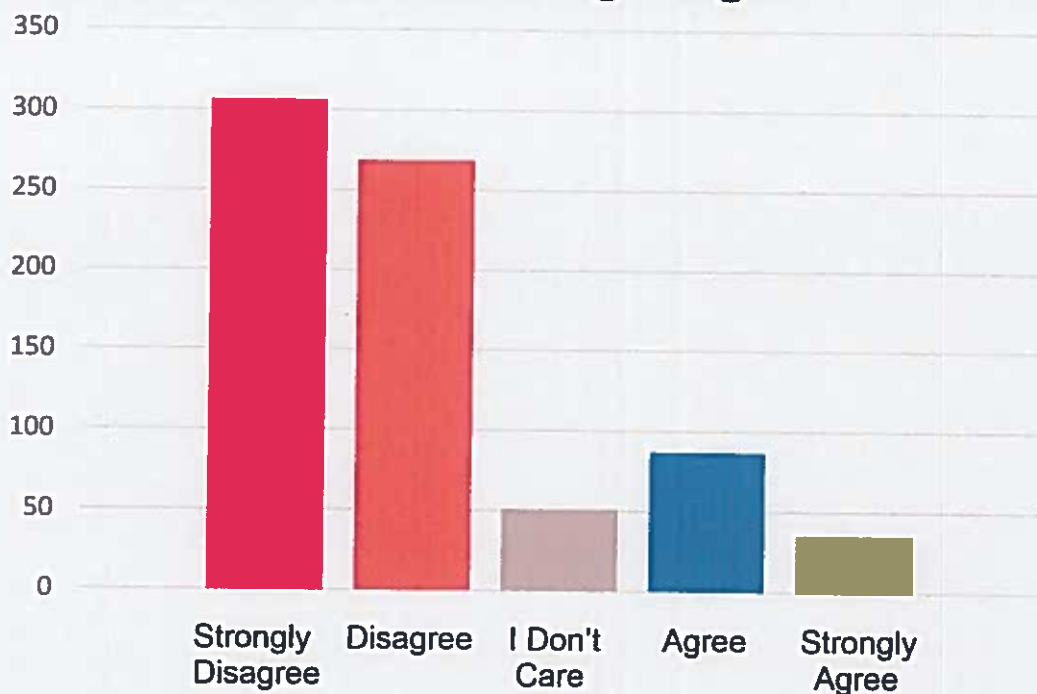Should the Code Assessment include this issue or not?

Question 16: The Town Code should regulate preservation of flat roof homes.
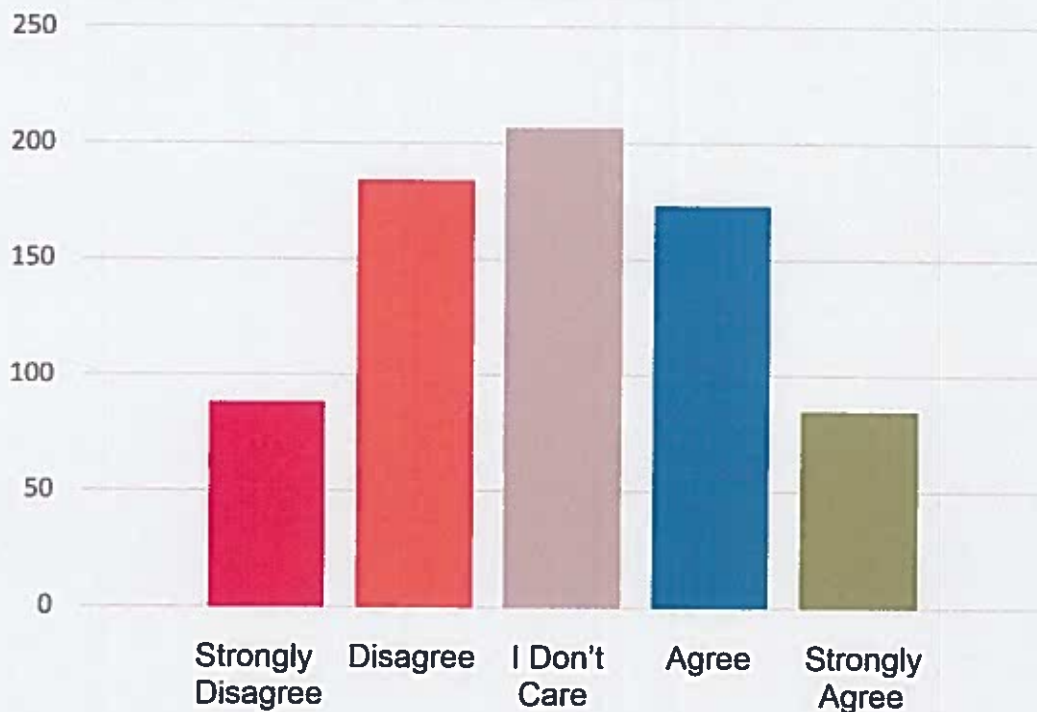
37%
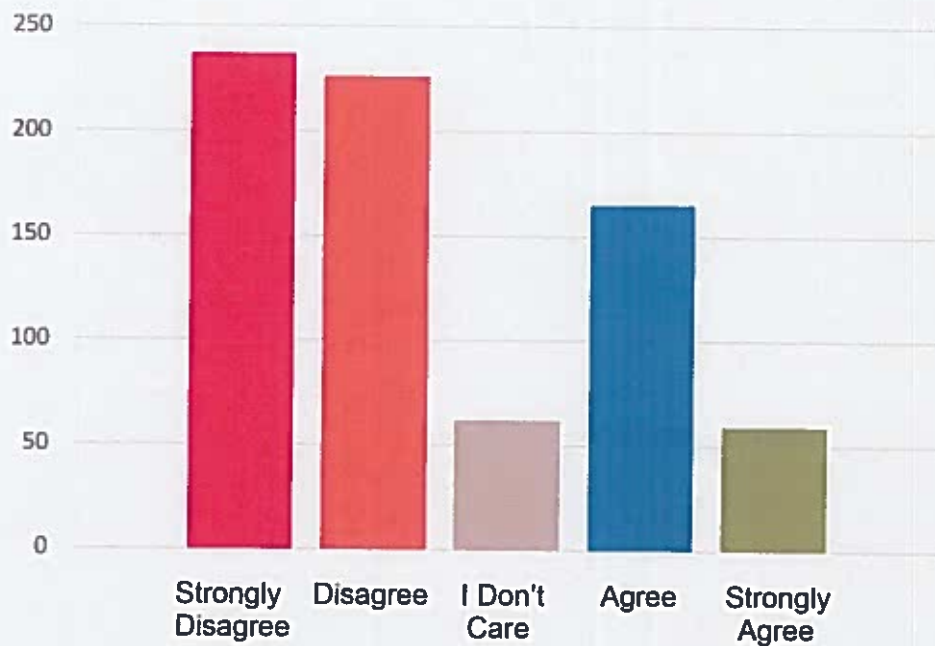of respondents disagree or strongly disagree

35%
of respondents agree or strongly agree

737 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

Question 17: The Town Code should remove obstacles to moving homes away from the advancing high tide line on deeper oceanfront lots.
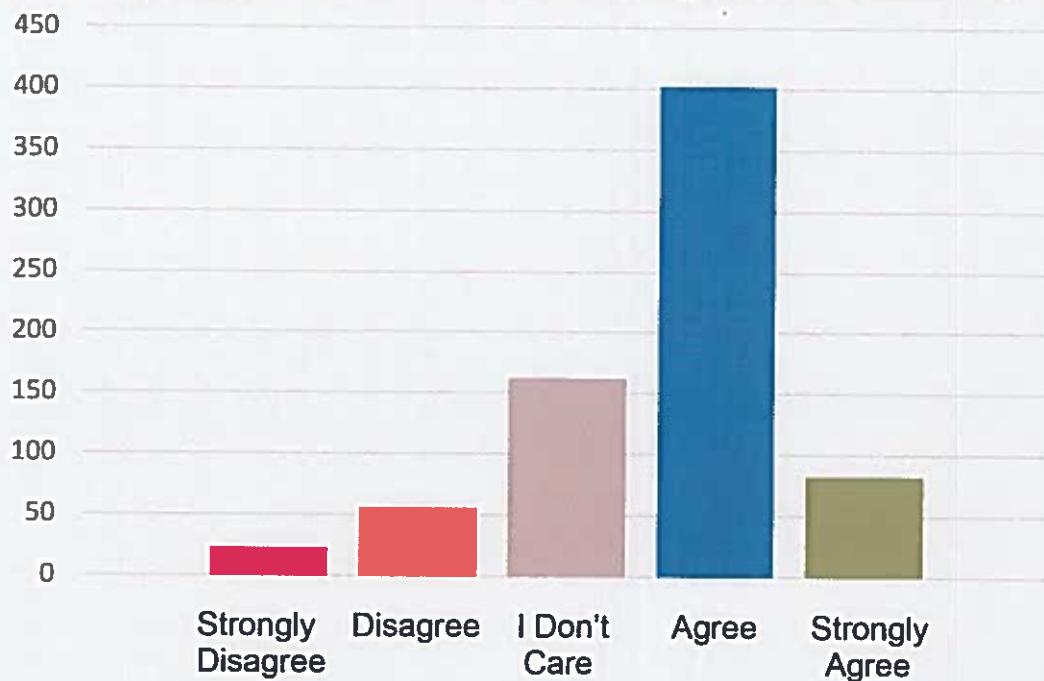
11%
of respondents disagree or strongly disagree

67%
of respondents agree or strongly agree

724 total responses

GUIDANCE

Should the Code Assessment include this issue or not?

QUESTIONS 18 - 23

The next 6 questions were intended to gauge public sentiment and do not require guidance.

Question 18: Which is more important for the Town Code to address?

Design controls to make sure new businesses "fit in" aesthetically with the rest of Town

Encouraging new businesses to open in the Town
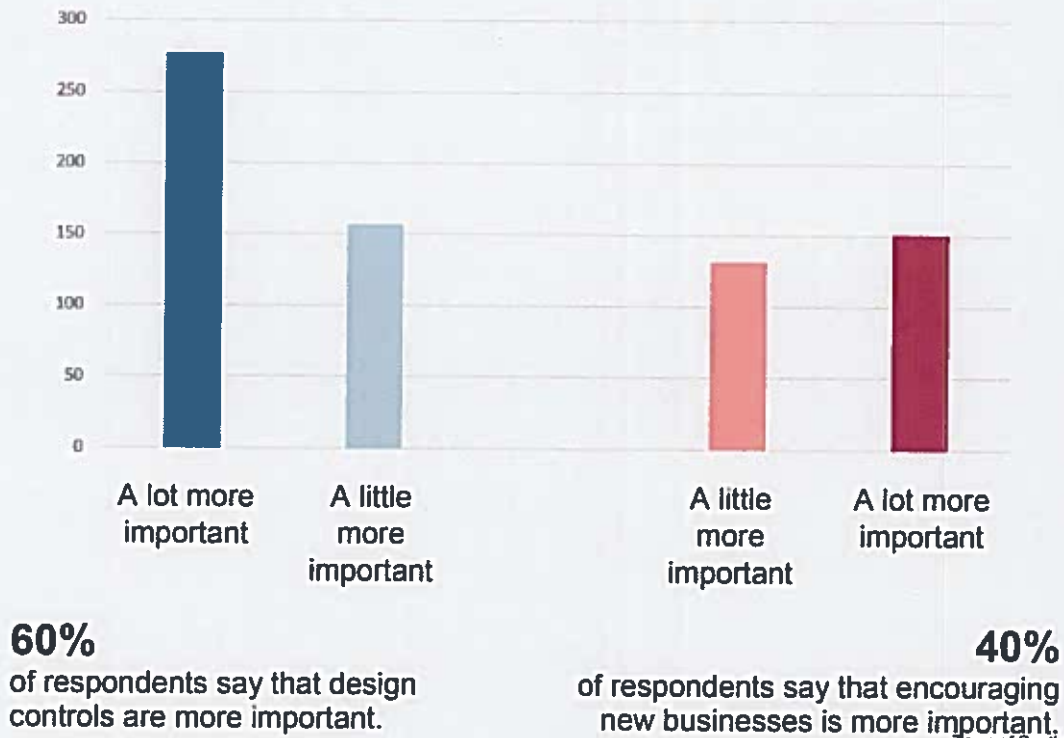
60%
of respondents say that design controls are more important.

40%
of respondents say that encouraging new businesses is more important.

716 total responses

Question 19: Which is more important for the Town Code to address?

| Making it easier for cars to move around town | Making it safer and easier to bike and walk around town |
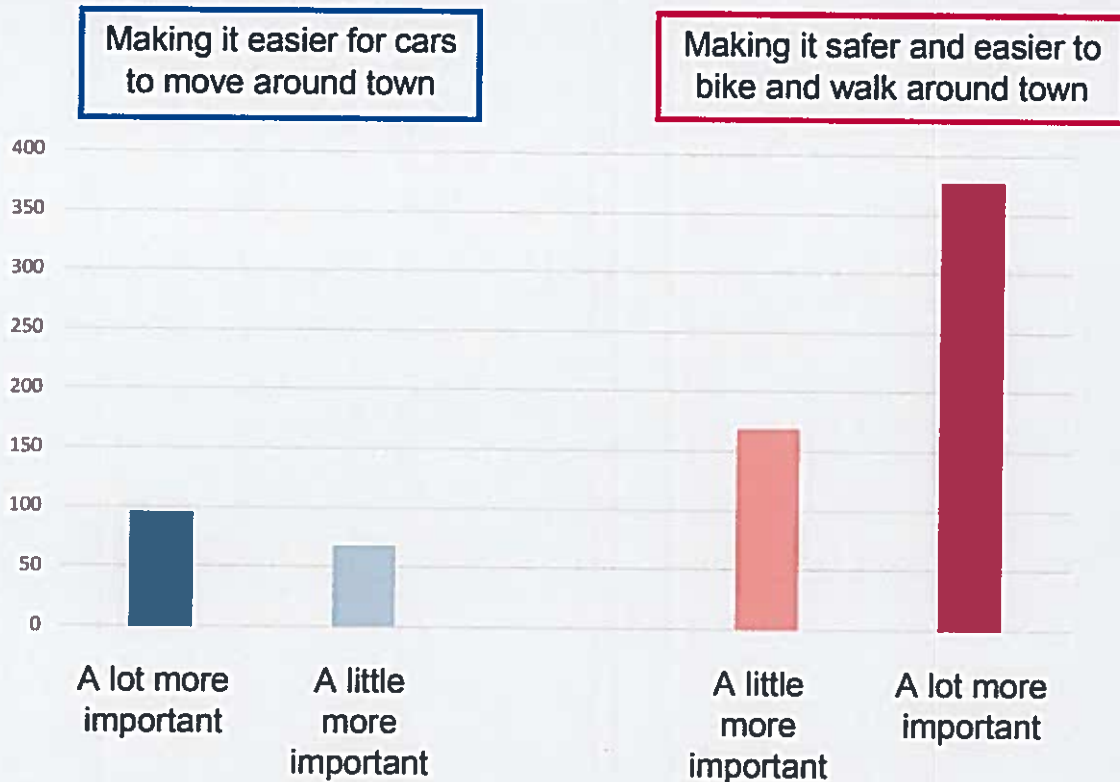
23%
of respondents say that easing traffic is more important.

77%
of respondents say that safety for pedestrians and bikers is more important.

708 total responses

Question 20: Which is more important for the Town Code to address?

Preserving trees

Keeping our streets safe to drive, bike, and walk on
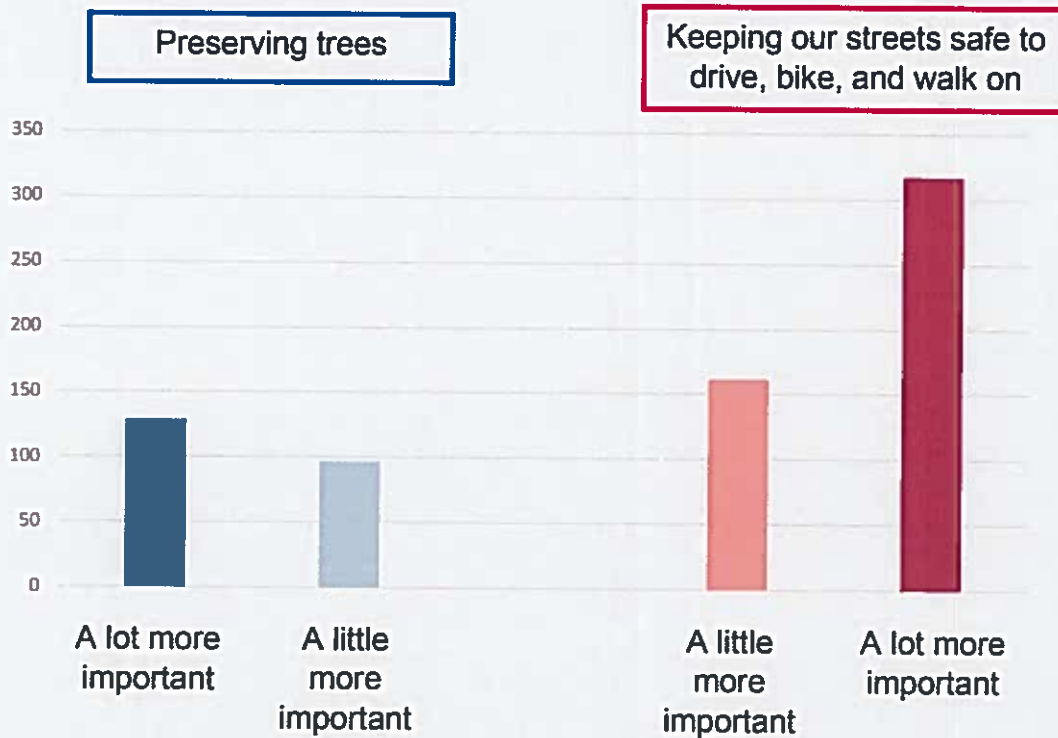
32%
of respondents say that preserving trees is important.

68%
of respondents say that keeping streets safe is more important.

705 total responses

Question 21: Which is more important for the Town Code to address?

Streets with controlled or limited access with added enforcement paid for by increased taxes or fees

Streets with full access (current conditions)

A lot more important	A little more important
A little more important	A lot more important
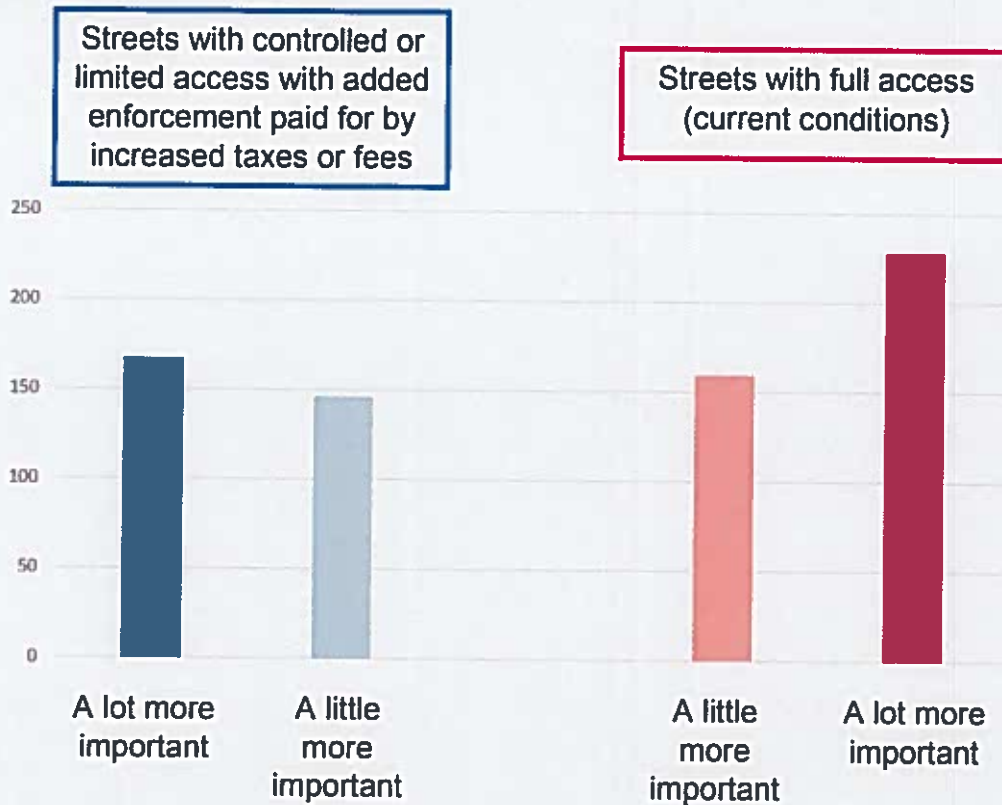
45%
of respondents say that controlled access to streets is more important.

55%
of respondents say that keeping full access is more important.

700 total responses

Question 22: What should be done to help citizens better understand the differences between Town government rules versus private association (SSCA, CPOA, etc.) rules?

Question 22: Number of Comments by Type

Comment Type	Count
Print Publications or Mailed Printed Material	120
Nothing or Don't Know	108
Online Publications or Email Communication	101
Better Communication Generally	45
Use Clearer Language	44
In-person Meetings, Workshops, Forums, etc.	38
Education Generally	35
Other	28
Better Collaboration btw Town and the Associations	14

422 total responses
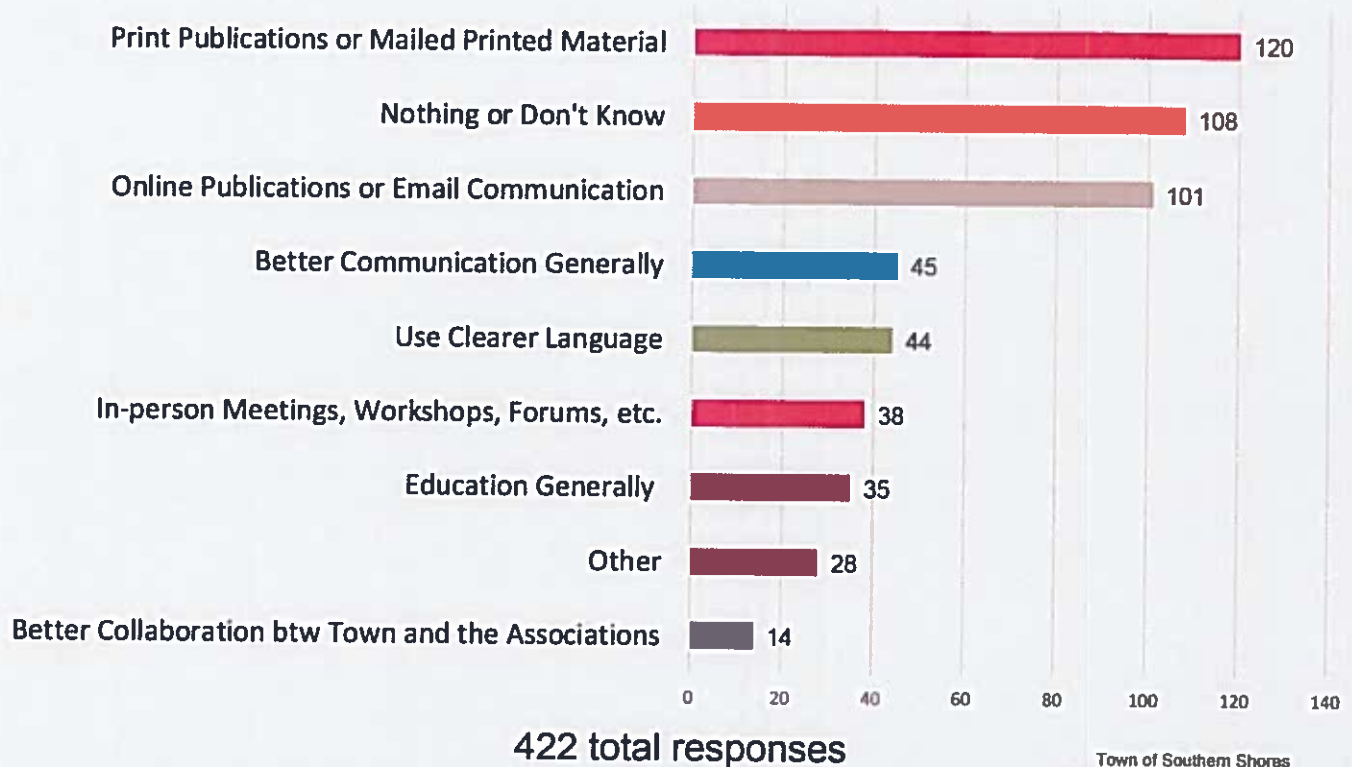
Question 23: Please list any other issues, thoughts, or concerns about the Town Code you would like to share.
(Number of comments by topic)

Topic	Number of comments
The Code Update Project or process, including the survey	95
Transportation, including roads, biking, pedestrians	70
Home size limits, occupancy limits, "event houses"	48
Development standards	39
Town staff or elected officials	36
Trees or forestry	28
Misc. Town Code questions or suggestions	25
Code enforcement	24
Communication between the Town and citizens	18
Stormwater	11
Beaches, including access and nourishment	10

DISCUSSION

REMOVE POLICY FROM TOWN CODE

- Policy does not belong in the Town Code
- Policy issues:
    - Tree protection in the right-of-way
    - Sidewalks
    - Departmental operations
    - Exemption from road standards for Town (?)
- Policy matters should be relocated to a separate document

OTHER ISSUES

- Measurement and definition of lot coverage
- Commercial building aesthetics
- Parking – residential rentals and at beach accesses
- Pier length
- Waste receptacle placement; litter pick up requirements

NEXT STEPS...

- Draft Code Assessment (July)
- Code Assessment Public Forum (late August)
- Present Code Assessment to Council (early September)

Town of Southern Shores
Special Meeting-April 5, 2016
Page 55 of 55

51